

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on September 11, 2003. At the time the Examiner mailed the Office Action claims 1 through 42 were pending. By way of the present response the Applicant has: 1) canceled claims 11 and 12; 2) amended claims 1-9, 13, 15, 16, 18-24, 32, 33, and 36; and, 3) added new claims 43-48. As such claims 1-10 and 13-48 are currently pending. The Applicant thanks the Examiner for the allowance of claims 1-10 and 13-42; and, respectfully requests reconsideration of the present application and the allowance of claims 1-10 and 13-42.

The Applicant has herewith made proposed drawing changes to Figures 16a and 16b. The proposed changes to Figures 16a and 16b involve the inclusion of "Length Indicator" information being drawn as an input parameter to the Marking/Shaping Stage (in Figure 16a); and, the Shaping Logic 1617 of the Marking/Shaping Stage (in Figure 16b). The Applicant respectfully submits that neither of these changes correspond to the introduction of new matter at least in light of the following portions of the Applicant's specification

Page 26, line 18:

" . . . a length indicator 404 (also referred to as packet size)"

Page 93, lines 14 – 15:

“The appropriate delay is determined by shaping logic 1617 according to Equations 2 and 3 . . .”

Page 86, lines 14 – 20:

“ Surplus Tokens =

Current No. Avail. Tokens - Packet Size (in tokens) Eqn. 2

Scheduled Delay = **Eqn. 3**

a) 0 if Surplus Tokens ≥ 0

b) $|\text{Surplus Tokens}| / \text{Token Rate}$ if Surplus

Tokens < 0"

In the Office Action response mailed September 11, 2003 the Examiner allowed claims 1-10 and 12-42; and, rejected claim 11. By way of the present response the Applicant has canceled claim 11 therefore claim 11 is no longer at issue.

The Examiner has also outlined requirements for the specification's abstract and, in response, the Applicant has replaced the abstract so as to be aligned with independent claim 6 of the present application.

37 CFR 1.111(b) requires the Applicant only to “present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references” (emphasis added). As the Examiner has not applied any of the prior art references against the Applicant’s claims, the Applicant is not required to present differences between the Applicant’s current set of claims and any prior art references. Nevertheless, the Applicant has reviewed each of the Noll (US. Pat. No. 6,377,998), Muller (US Pat. No. 5,938,737) and Zak (US Pat. No. 5,265,207) references and believes that none of these references describe the use of a pipeline for regulating the flow of input traffic into a network (which is matter to which the Applicant’s current set of claims are directed).

In light of the comments above the Applicant respectfully submits that claims 1-10 and 13-48 are allowable and respectfully requests the allowance of same.

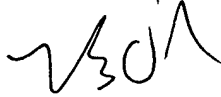
REMARKS

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/12, 2004



Robert B. O'Rourke
Reg. No. 46,972

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA. 90025-1026

(408) 720-8300